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SENATE BILL 825

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO MUNICIPALITIES; CLARIFYING THAT A MAYOR VOTES TO  
BREAK TIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-12-2 NMSA 1978 (being Laws 1965,  
Chapter 300, Section 14-11-2, as amended) is amended to read:

"3-12-2. GOVERNING BODY--CORPORATE AUTHORITY--LEGISLATIVE  
BODY--MEMBERS OF COUNCIL AND BOARDS OF TRUSTEES--QUORUM --

A. The corporate authority of a municipality is  
vested in the governing body [~~which~~] that shall constitute the  
legislative branch of the municipality and shall not perform  
any executive functions except those functions assigned to it  
by law.

B. A majority of the members of the governing body  
is a quorum for the purpose of transacting business.

underscored material = new  
[bracketed material] = delete

1 C. Unless otherwise provided by law, a question  
2 before the governing body shall be decided by a majority vote  
3 of the members present.

4 D. The governing body of a municipality having a  
5 mayor-council form of government is the council or board of  
6 trustees whose members are the mayor and not less than four or  
7 more than ten councilmen or trustees. Any governing body of  
8 more than six councilmen or trustees may provide by ordinance  
9 for the election of two councilmen or trustees for each ward or  
10 district or create or abolish wards or districts or alter the  
11 boundary of existing wards or districts; provided that only one  
12 councilman or trustee shall be elected from a ward or district  
13 at any one election.

14 E. In those municipalities [~~where a mayor has no~~  
15 ~~vote except in case of a tie vote and~~] with a mayor-council  
16 form of government, when there is a requirement that a certain  
17 fraction or percentage of the members of the entire governing  
18 body or of all the members of the governing body or of the  
19 entire membership of the governing body or other similar  
20 language other than the requirement of a simple majority vote  
21 for the measure, the mayor shall not be counted in determining  
22 the actual number of votes needed but he shall vote to break a  
23 tie vote as provided in Section 3-11-3 NMSA 1978 unless he has  
24 declared a conflict of interest.

25 F. The governing body of a municipality may

